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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	ATTORNEY DOCKET NO. CONFIRMATION NO.	
10/602,704 06/25/2003		Takashi Ohta	113002.01	9964	
25944 759	90 11/29/2005		EXAMINER		
OLIFF & BERRIDGE, PLC			GILMAN, ALEXANDER		
P.O. BOX 19928 ALEXANDRIA, VA 22320			ART UNIT	PAPER NUMBER	
•	,		2833		
			DATE MAILED: 11/29/2005	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)
10/602,704	OHTA ET AL.
Examiner	Art Unit
Alexander D. Gilman	2833

The MAIL/IND DATE of this communication appears on the over sheet with the correspondence address THE REPLY PELO 18 November 2005 FALLS TO PLACE THIS APPLICATION IN CONDITION FOR ALL CWANCE.  1. ☑ The repty was filed after a final rejection, but prior to or on the same day as filing a Netice of Appeal. To evoid shandoment of hot places the application in condition for allowance; (2) a Notice of Appeal (with appeal relep in compliance, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal relep in compliance with 37 CFR 4.1.31 or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.1.14. The repty must be filed within one of the following time periods:  □ The period for reply expires 2 months from the mailing date of the final rejection.  □ The period for reply expires 2 months from the mailing date of the final rejection.  □ Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION See MPEP 706.07(f).  □ Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION See MPEP 706.07(f).  □ Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION See MPEP 706.07(f).  □ Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION See MPEP 706.07(f).  □ Examiner Note: If box 1 is checked, check either box (b) or (c)		Alexander D. Gillian	2000		
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must limely file one of the following replies: (1) a manendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replies: (1) a new representation of the following replies: (1) a new representation of the following replies: (1) a new representation of the final rejection.  Examiner Note: if box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRIAL REJECTION. See MPEP 766.07(l).  Extensions of time may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee number 37 CFR 1.17(a) is calculated from: (1) the experision date of the shortened statioty prend or reply originally set in the final origination of the petition of the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee number 37 CFR 1.17(a) is calculated from: (1) the experision date of the shortened statioty period reply originally set in the final office acidnot, or (2) as stored that the station of the petition of the date of the shortened statioty period of reply originally set in the final office acidnot, or (2) as stored the final replection, or the date of filing the Notice of Appeal was filed on	The MAILING DATE of this communication appe	ears on the cover sheet with the o	correspondence ad	dress	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must limely file one of the following replies: (1) a manendment, afficavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following as [2] and the period for reply expires 3 months from the mailing date of the final rejection.  □ Period for reply expires on: (1) the mailing date of the final rejection.  □ Period for reply expires on: (1) the mailing date of the final rejection.  □ Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MPEP 706.07(i).  Extensions of time may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee number 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statioty period or reply originally set in the final origination of the final rejection. With the final rejection was set from in a passing the period of extension and the corresponding amount of the fee. The appropriate extension fee number 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statioty period for reply originally set in the final origination of the set from the final rejection of the period of reply expires and the period of reply expire extension fee number 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statioty period for reply originally set in the final origination of the final rejection of the final rejection or reply and the period set of the final rejection or reply final was a final rejection or reply final because and the final rejection or reply final period or reply final	THE REPLY FILED 18 November 2005 FAILS TO PLACE THIS	S APPLICATION IN CONDITION F	OR ALLOWANCE.		
to period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS form the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS DF THE FIRAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nance and the second of the second of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above. If checked, Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.794(b).  NOTICE OF APPEAL.  2. ☐ The Notice of Appeal was filed on	The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follor places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in complian time periods:	n the same day as filing a Notice of wing replies: (1) an amendment, af otice of Appeal (with appeal fee) in ce with 37 CFR 1.114. The reply m	Appeal. To avoid a fidavit, or other evid compliance with 37	ence, which CFR 41.31;	or (3)
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1s checked, check either box (a) or (b), ONLY-CHECK BOX (b) WHEN THE REFLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee lave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee lave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee lave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee lave been filed is the date for purposes of determining the voltage and the corresponding amount of the fee. The appropriate extension fee and the corresponding amount of the fee. The appropriate extension fee may reduce any earned patent term adjustment. See 37 CFR 1.79(db).  MOTICE OF APPEAL  In Prior Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37 must be filed within two months of the date of filing a brief, will not be entered because (a) The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the issues that would require further consideration and/or search (see NOTE below);  (b) They present additional claims without canceling a corresponding number of finally reducing or simplifying the issues for appeal; and/or .  (d)	a) The period for reply expires 3 months from the mailing date	e of the final rejection.			
nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee may are 37 CFR 1.7(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originate as in the final foliation: (?) asset forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal as been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ They raise new issue of new matter (see NOTE below);  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)),  4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☐ Applicant's reply has overcome the following rejection(s): Characteristics and the substance of the proposed or amended claims would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Cl	b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	Advisory Action, or (2) the date set forth later than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN THI 706.07(f).	g date of the final reje E FIRST REPLY WAS	ction. FILED WITH	IIN
<ul> <li>2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>AMENDMENTS</li> <li>3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise the issue of new matter (see NOTE below);</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below);</li> <li>(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.</li> <li>NOTE: ☐ (See 37 CFR 1.116 and 41.33(a)).</li> <li>4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5. ☐ Applicant's reply has overcome the following rejection(s): ☐ Por purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</li> <li>The status of the claim(s) is (or will be) as follows:         Claim(s) epiceted: ☐ Claim(s) withdrawn from consideration: ☐ Por Department of the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after</li></ul>	nave been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b	ktension and the corresponding amount shortened statutory period for reply orig tr than three months after the mailing da	of the fee. The appro pinally set in the final C	priate extensi Office action; o	ion fee or (2) as
The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because	2. The Notice of Appeal was filed on A brief in comfiling the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed.	ension thereof (37 CFR 41.37(e)), to	o avoid dismissal of	nths of the d the appeal.	late of Since
(a)		but prior to the date of filing a brief	will not be entered	hecause	
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☐ Applicant's reply has overcome the following rejection(s):  6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. ☑ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  The art of record references deems to reject the claims.  13. ☐ Other:	<ul> <li>(a) ☐ They raise new issues that would require further co</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below)</li> <li>(c) ☐ They are not deemed to place the application in be</li> </ul>	onsideration and/or search (see NC ow);	TE below);		s for
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Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  3.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  3.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:	non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:	will not be entered, or b) 🗌 w			
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<ul> <li>3. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>3. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The art of record references deems to reject the claims.</li> <li>12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)</li></ul>	Claim(s) withdrawn from consideration:	•			
<ul> <li>The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The art of record references deems to reject the claims.</li> <li>Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)</li> </ul>	<ol> <li>The affidavit or other evidence filed after a final action, b because applicant failed to provide a showing of good ar</li> </ol>	ut before or on the date of filing a N nd sufficient reasons why the affida	lotice of Appeal will vit or other evidence	not be ente is necessa	red ary and
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